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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,842	01/10/2001	Edward R. Knapp III	102088-300	8162

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William B. Slate, Esq.  
Intellectual Property Law Section  
WIGGIN & DANA  
P.O. Box 1832  
New Haven, CT 06508-1832

EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application, or proceeding.

## Office Action Summary

Application No.

09/757,842

Applicant(s)

KNAPP ET AL.

Examiner

Khoa Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,18,20 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,18,20,31 and 35-42 is/are rejected.
- 7) ☒ Claim(s) 32-34 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Specification***

The specification is objected to because there is no antecedent basis for "a chassis" as set forth in claim 31. Appropriate correction is required.

***Claim Objections***

Claims 31 and 32 are objected to because the shelf "engagement features" should be --engagement members-- in order to avoid being unclear on how two of the same engagement features are able to engage with one another, see claim 31, line 9 and claim 32, line 8. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 36, 37, 40, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. With respect to claims 36, 37, 40, and 41, the recitation of the tab being a "flexible" tab constitutes new matter because there is no support in the original filed specification of what is being claimed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 18, 35-37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al. in view of Davidson. Simon et al. disclose a retail display system comprising a panel assembly (40) extends from a lower end to an upper end, see Figure 2; the panel assembly having a front (41), a back, left and right sides (42), a predetermine length, and a width that has at least one vertical array of engagement apertures (46); the display system further has a base (71) for supporting the panel assembly; a header (50 and 60) having a width and a height locates at an upper end of the panel assembly and a plurality of holding elements (20A, 20B) each comprises a tray having unitarily formed pair of brackets (28a and 28b) that dispose on each side of the holding element, wherein the bracket has a hook end engagement member to engage with the engagement apertures on the panel assembly. See Figures 1-5, and 14. The tray of Simon et al. is not formed of folded corrugated material and the bracket is not supports a bottom edge of the tray. However, Davison teaches a folded corrugated tray (10) having slots (36, 37) dispose in a bottom edge of the tray to receive a supporting tab (44a) of a plastic bracket. See Figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the tray of Simon et al. to be a corrugated tray and to modify the brackets to be detachable

plastic brackets with the inclusion of an extending flexible tab as taught by Davidson in order to have a tray that is able to flatten in a knocked-down state for the purpose of shipment and to modify the brackets with the inclusion of tabs so that each tab can be inserted in the provided slots on the tray for the purpose of prevent the tray from sagging and enable the tray to support a relatively heavy object without losing its shape.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al. in view of Davidson as applied to claims 1, 5, 18, 35-37, and 39-41 above, and further in view of Besaw. The base of Simon et al. is not made of folded corrugated cardboard. However, Besaw teaches a folded corrugated cardboard base (12), see Figures 4 and 8. Corrugated cardboard is a well-known and commercially available material used in making a base and it would have been obvious to one ordinary skill in the art as a matter of engineering design choice to utilize corrugated cardboard as the particular material to made the base of Simon et al. therefrom and as taught by Besaw in order to take play in supporting the panel assembly because it is well-within the level of skill in the art to utilize the known material of the art for the purpose for which they are known, thus producing no new matter or unexpected results.

Claims 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al. in view of Davidson as applied to claims 1, 5, 18, 35-37, and 39-41 above, and further in view of Nook et al. Nook et al. teach two frame members (20) each disposes on a left side and the side of the panel assembly (10) and wherein each frame member has a forwardly open channel to receive a trim panel (5) therein. See Figures 2 and 5. It would have been obvious to one of ordinary skill in the art at the

time of the invention was made to provide the frame assembly of Simon et al. in view of Davidson with the provision of frame members and trim panels as taught by Nook et al. in order to hold a panel assembly therebetween and have side panels to define an interior of the display system so that to maximize the space utilization therein the display system.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maglione in view of Conen et al. and Bernardin. Maglione discloses a retail display apparatus comprising a chassis (2) having a generally rectangular central panel (12) secures between a left plastic frame member (36) and a right plastic frame member (38); the frame members are extended along left and right sides of the central panel; the retail display further has a base (4) to support the chassis above a ground surface and the central panel having a plurality of engagement features (20). See Figures 3 and 4. Conen et al. teach a plurality of shelf assemblies (172, 178, and 200) having engagement members (i.e., 208, 210) to engage with a rectangular central panel, see Figures 9-11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the central panel of Maglione with a plurality of shelf assemblies as taught by Conen et al. in order to enable to display merchandize for sale. Connor et al. teach a generally rectangular boxboard or corrugated cardboard central panel that secures between left and right frame members, see Figure 9. Corrugated cardboard is a notoriously old and well-known and commercially available material used in making a panel for supporting shelves, it would have been obvious to one ordinary skill in the art as a matter of engineering design choice to utilize corrugated cardboard

as the particular material to made the central panel of Maglione therefrom as taught by Connor et al. in order to have a light weight panel for the purpose of easy to handle or lifting and shipping purpose.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Carroll et al., Donovan, Roberts, and Bernardin are cited to show the similar configurations of design of a display system.

***Allowable Subject Matter***

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33, 34, and 43 are objected to as being dependent upon a rejected base claim.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 32 is found to be allowable because there is no prior art of record that teaches or suggests a retail display system that possessing the entire combination of features specified by the claim. In particular, there is no teaching from the prior art to make the modification to achieve such claimed features or there is no suggestion or motivation from the prior art to make the proposed modification to combine that would render the prior art invention being modified satisfactory for its intended purpose. Specifically, there is not teaching of the shelf assemblies being a corrugated tray and

has left and right molded plastic brackets that engage with apertures formed in an arrays on the front of a central portion.

***Response to Amendment***

Applicants' arguments with respect to claims 1, 5, 18, 20, and 31, 35-42 are moot in view of the new grounds of rejection.

The new grounds of rejection were necessitated by applicants' amendment, e.g., "each bracket supports an associated bottom edge of the associated tray" in claim 1, lines 15-16, and claim 18, lines 14-15, and the plastic frame member being secured "along" the "side edges" of the central portion, see claim 31, lines 6 and 7.

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 31, 2004

Khoa Tran



**Alvin Chin-Shue**  
Primary Examiner